

JAP:DMP

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M12-0375**

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UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANT

- against -

CRISTIAN OMAR LICONA-URBINA,  
also known as  
"Christian O. Licona," and  
"Ricardo Dominguez,"

(T. 8, U.S.C.,  
§§ 1326(a) and  
1326(b)(2))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

FABIO ARROYAVE, being duly sworn, deposes and states that he is an Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement, duly appointed according to law and acting as such.

On or about April 1, 2012, within the Eastern District of New York, the defendant CRISTIAN OMAR LICONA-URBINA, also known as "Christian O. Licona" and "Ricardo Dominguez," an alien who had previously been deported from the United States after a conviction for an aggravated felony, was found in the United States, without the Secretary of the Department of Homeland Security having expressly consented to such alien's applying for admission.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. I am an Deportation Officer with the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about April 1, 2012, the defendant CRISTIAN OMAR LICONA-URBINA, also known as "Christian O. Licona" and "Ricardo Dominguez," was arrested by the New York City Police Department ("NYPD"), 83rd Precinct, in Brooklyn, New York, and charged with Assault in the Second Degree, with Intent to Cause Physical Injury to an Officer/Fireman/EMT/Nurse, in violation of New York State Penal Law 120.05(03). The defendant used the name "Ricardo Dominguez" in connection with this arrest.

3. ICE officials ran a criminal history report and found that on or about October 25, 2002, the defendant was convicted in Queens County Supreme Court of Attempted Robbery in

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<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

the Second Degree, a Class D Felony, and sentenced to three years in custody. The defendant used the name "Christian O. Licona" in connection with this arrest and conviction.

4. ICE officials also determined that, subsequent to this conviction for an aggravated felony, the defendant, a citizen of Honduras, was removed from the United States to Honduras on or about April 7, 2005, pursuant to an order of removal issued on August 31, 2004.

5. On February 14, 2008, the defendant was arrested in Brooklyn, New York, by the NYPD. His fingerprints matched those of the individual who had been deported on or about April 7, 2005. On or about May 1, 2008, the defendant was convicted upon a plea of guilty in the United States District Court for the Eastern District of New York of Illegal Re-Entry of a Deported Alien, in violation of Title 8, United States Code, Section 1326(b)(2). On November 21, 2008, the defendant was sentenced to 32 months' custody.

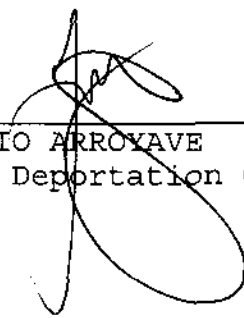
6. On or about December 10, 2008, the August 31, 2004 removal order was reinstated. The defendant was again removed to Honduras on or about July 2, 2010.

7. An ICE official with fingerprint analysis training compared (1) the fingerprints taken in connection with the arrest underlying the defendant's October 25, 2002 conviction, (2) the fingerprints taken in connection with the arrest underlying the

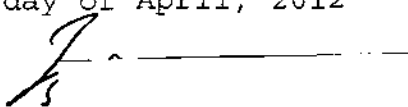
defendant's May 1, 2008 conviction, (3) the fingerprints taken in connection with the defendant's July 2, 2010 removal from the United States, and (4) the fingerprints taken in connection with the defendant's April 1, 2012 arrest, and determined that all four sets of fingerprints were made by the same individual.

8. A preliminary search of ICE files has revealed that there exists no request by the defendant CRISTIAN OMAR LICONA-URBINA for permission from the Secretary of the Department of Homeland Security, successor to the Attorney General, to re-enter the United States after deportation.

WHEREFORE, your deponent respectfully requests that the defendant CRISTIAN OMAR LICONA-URBINA, also known as "Christian O. Licona" and "Ricardo Dominguez," be dealt with according to law.

  
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FABIO ARROYAVE  
ICE Deportation Officer

Sworn to before me this  
16th day of April, 2012

  
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THE HONO  
UNITED S  
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S/Orenstein

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